

**REMARKS**

***Status of Application***

Claims 1-3, 5-10 and 14-23 constitute all currently pending claims in the above-mentioned application.

***Claim Rejections Under 35 U.S.C. § 102***

Claims 1, 2, 5 and 25 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,391,439 to Nakano (“Nakano”). Applicant traverses this rejection for at least the following reasons.

Claim 25 is canceled, thereby rendering its rejection moot.

Claim 1 is amended to incorporate the matter of claim 25, which requires that “the indication information comprises a tree structure.” Although the Examiner asserted in the final Office Action of January 16, 2009 that the features of claims 25 to 28 are disclosed in Figs. 4A to 4B of U.S. Patent No. 7,145,586 to Anderson et al. (“Anderson ‘586”), the above-quoted feature is not disclosed therein. This is because the indication information shown in Figs. 4A to 4B of Anderson is a straight-line structure in sequential order. In contrast, the incorporated feature of the present invention is that the indication information comprises a tree structure as shown by example in Fig. 6. Moreover, Nakano also lacks any teaching or suggestion of the required “tree structure.”

Furthermore, in the instant Advisory Action, the Examiner states the following regarding Nakano:

Column 2, lines 51-56 disclose that label base layer may be formed of various kinds of synthetic paper (which corresponds to the electronic paper recited in claim 2). The specific coloring of the synthetic paper is formed by the irradiation of light.

However, Nakano does not appear to teach or suggest that a certain kind of synthetic paper can be colored by irradiation of light based on Nakano. The cited portion of Nakano fails to mention “coloring” or irradiation with light. Although col. 4, lines 23-27 describe how incident light is reflected to one’s eye in order to see color on the label base layer 1, this is merely an example of viewing the label base layer in normal lighting conditions allows one to see colored indications. Thus, Nakano fails to teach or suggest writing indication information by irradiating the surface of the label base layer with light.

Moreover, the rewritable indication layer of Nakano relates to magnetization rather than to light irradiation. As previously explained, indication images at the rewritable indication layer of Nakano are provided (written) by respectively switching (changing) applications of magnetic fields, e.g., a vertical magnetic field  $\Phi V$  in Fig. 2, and a horizontal magnetic field  $\Phi P$  in Fig. 3. (Nakano at col. 4, lines 20-35.) In contrast, indication images (the indication information) at the indication layer of claim 1 are provided (written) by switching (changing) application of irradiating light.

Thus, Nakano fails to identically disclose each and every required element of independent claim 1 and, therefore, fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the rejection of independent claim 1 and its dependent claims 2 and 5.

***Claim Rejections Under 35 U.S.C. § 103***

Anderson ‘205 in view of Araki

Claims 3, 22, 23 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,778,205 to Anderson et al. (“Anderson ‘205”) in view of U.S. Patent App. Pub. No. 2003/0103762 to Araki et al. (“Araki”). Applicant traverses this rejection for at least the following reasons.

Claim 26 is canceled, thereby rendering its rejection moot.

Claim 3 is amended in the same manner as claim 1. The deficiencies of Nakano with respect to this feature of amended claim 1 are explained above. Anderson ‘205 and Araki, moreover, fail to make up for these deficiencies.

Thus, Anderson ‘205 and Araki, alone or in combination, fail to teach or suggest each and every required element of claim 3. These references, therefore, fail to render claim 3 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 3 and its dependent claims 22, 23, and 26.

Anderson ‘205 in view of Anderson ‘586

Claims 6, 7, 9, 10, 14-19, 21 and 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson ‘205 in view of U.S. Patent No. 7,145,586 to Anderson et al. (“Anderson ‘586”). Applicant traverses this rejection for at least the following reasons.

Claims 27 and 28 are canceled, thereby rendering their rejection moot.

Claim 6 is amended in the same manner as claim 1. Certain deficiencies of Nakano and Anderson '586 with respect to this feature of amended claim 1 are explained above. Anderson '205, moreover, fails to make up for these deficiencies.

Furthermore, in the Advisory Action the Examiner states the following regarding Anderson '586:

When the amount of space used or remaining on the disc changes, the existing marking on the data side of the label side of the optical disc is determined. After the existing marking is determined, a difference between the amount of space used on the disc is determined and a new marking is provided to reflect the detected difference between old storage space and new storage space.

However, Anderson '586 merely discloses determining new information related to the data side of an optical disc (S608), determining existing marking on the data side or the label side of the optical disc (S610), and updating marking based on the information related to the new data side of the optical disc (S612). (Anderson '586 at col. 7, lines 49-63.)

Accordingly, Anderson does not disclose or suggest successive processes to detect a difference between storage data stored at the storage layer of the recording medium and new data which is to be subsequently stored, to generate indication information corresponding to the difference, and to write only indication information which corresponds to the difference. That is, the details of "updating" a marking based on the information related to the new data side of an optical disc are not clearly taught by Anderson '586.

Thus, Anderson '205 and Anderson '586, alone or in combination, fail to teach or suggest each and every required element of claim 6. These references, therefore, fail to render claim 6

unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 6 and its dependent claims 7, 9, 10, 14, 15, and 29.

Amended independent claim 16 recites features similar to those of claim 6. Claim 16 is, therefore, also patentable at least for reasons analogous to those presented above with respect to claim 6. Accordingly, Applicant respectfully requests that the Examiner also withdraw the rejection of independent claim 16 and its dependent claims 17-19, and 21.

Anderson '205 in view of Anderson '586 and Nakano

Claims 8 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson '205 and Anderson '586, and in further view of Nakano. Applicant traverses this rejection for at least the following reasons.

Claims 8 and 20 depend from independent claims 6 and 16, respectively. The deficiencies of Anderson '205 and Anderson '586 with respect to these claims are demonstrated above. Nakano, moreover, fails to remedy these deficiencies. Claims 8 and 20 are, therefore, also patentable at least by virtue of their dependence from claims 6 and 16. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 8 and 20.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

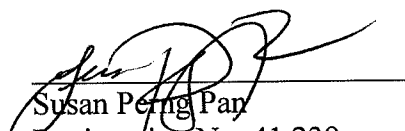
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Susan Pering Pan  
Registration No. 41,239

Date: May 15, 2009